

REMARKS

Claims 84 - 93 and 102 -104 are pending. Claims 93 - 101 have been cancelled, without prejudice. No new matter has been introduced. Reexamination and reconsideration of the application are respectfully requested.

The applicant confirms the election of Group I claims, i.e., claims 84 - 93 and 102 - 104 made in a telephone call of August 26, 2004.

In a September 13, 2004 Office Action, the Examiner objected to the drawings as not showing every feature of the invention specified in the claims. Applicants has amended Figure 6 to include all of the features of the invention as specified in the claims. Support for the Fig. 6 amendments may be found in the specification on pages 4 - 5, 9, and 11 - 13. Accordingly, applicant respectfully submits that the objection to the drawings be withdrawn.

In the February 9, 2004 Office Action, the Examiner rejected claims 84 - 89 and 102 - 104 under 35 U.S.C. § 102(b) as being anticipated by Amazon.com ("the Amazon reference"). The Examiner rejected claims 84 - 92 and 102 - 104 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,512,919 to Ogasawara ("the Ogasawara reference"). The Examiner rejected claims 84 - 89 and 102 - 104 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,385,591 to Mankoff ("the Mankoff reference"). The Examiner rejected claims 90 - 92 under 35 U.S.C. § 103(a) as being unpatentable over the Amazon.com reference in view of Bluetooth. The Examiner also rejected claims 90 - 92 under 35 U.S.C. § 103(a) as being unpatentable over the Mankoff reference in view of the Bluetooth reference. These rejections are respectfully traversed in so far as applicable to the presently pending claims.

The applicant would like to thank the Examiner for taking the time to conduct an Examiner's interview on December 9, 2004. During the interview, the Examiner agreed that the claims as presently presented distinguished over the Amazon, Ogasawara, and Mankoff references. Applicant below briefly summarizes the arguments discussed during the December 9, 2004 interview.

Independent claim 84 recites:

A self-contained business transaction capsule to conduct a wireless transaction, comprising:
data regarding transaction products and transaction services;
data regarding transaction participants;
logic, in the form of executable code, enabling interaction between the transaction participants and the self-contained business transaction capsule;
logic, in the form of executable code, enabling modification of the wireless transaction; and
logic, in the form of executable code, enabling transfer of the self-contained business transaction capsule from a wireless electronics device to other transaction participants.

In regard to the claim 84 (and claims 85, 102, and 103 as shown below), the applicant submits that the disclosed references, Amazon, Ogasawara, and Mankow do not disclose, teach, or suggest the highlighted limitations of claim 84. Applicant understands that the Amazon reference and the Ogasawara reference disclose that users can download the software to another palm device or cellular telephone. However, these two references do not disclose that the entire software package (both the data contents and software logic) from one device are transferred from the originating device to the second palm device or cellular network.

Illustratively, suppose you have a PDA and use the PDA to store telephone numbers of contacts and you also utilize the PDA (with Amazon) to purchase a scarf on the Amazon web site. On the originating device a data file or a couple of data files

would be created with these two pieces of information (phone numbers and transaction data). In the case of purchasing the scarf, the transaction data itself may be transmitted to the server of where the scarf is purchased from, **but the two references (Amazon and Ogasawara) do not disclose that the software and the data are transferred to the server.** Turning now to the software without the data (referred to in our patent application as the transaction logic), when the software is copied from one device to the other (as you state that Amazon and Ogasawara disclose), the data would not be copied to the other device. In other words, the references do not disclose that **the phone numbers and the transaction data would be transferred from one device to the other.** Accordingly, the highlighted limitations of claim 84 distinguish over the Amazon and Ogasawara references, alone or in combination.

The Mankoff reference does not make up for the deficiencies of the Ogasawara reference and the Amazon reference. Although you do not specifically point to where in the Mankoff reference most of the limitations are located, the virtual coupon of the Mankoff reference is disclosed only to include a discount offer, contact information, expiration date, reminder data, retail location, a map, and a hyperlink to a provider's web site. **The Mankoff reference does not disclose that the virtual coupon includes logic that 1) enables modification of the wireless transaction or that 2) enables transfer of the entire self-contained business transaction capsule (logic and data) to other transaction participants.** In the Mankoff reference, only the data (the coupon) is transferred to the other computing device, i.e., client or the server -- meaning the coupon logic or software used to interpret, modify, manipulate and interact with the coupon data need to be pre-installed by the user on his computing device

beforehand. The entire business transaction capsule is not transferred to the server or client. Accordingly, the highlighted limitations of claims 84 distinguish over the Mankoff reference, alone or in combination with the Amazon and the Ogasawara references.

In summary, all of the cited prior art references, whether Amazon, Ogasawara, Mankoff, only transmit data back and forth between pre-installed software applications on various participant devices to facilitate a transaction. The invention of claim 84, as claimed, is one that employs a technique that **encapsulates data and logic into an executable software object that can copy ITSELF, transmit ITSELF, with all state information and transaction memory as it moves from on participant device to another.**

Claim 102 recites similar limitations to claims 84. Accordingly, applicant respectfully submits that claim 102 distinguish over the Amazon, Ogasawara, and Mankoff references, alone or in combination, for similar reasons as discussed above in regard to claim 84.

Claims 85 - 92 and 103 - 104 depend, directly or indirectly, on claims 84 and 102. Accordingly, applicant respectfully submits that claims 85 - 92 and 103 - 104 distinguish over the Amazon, Ogasawara, and Mankoff references, alone or in combination, for the same reasons as discussed above in regard to independent claims 84 and 102.

Dependent claim 87 further distinguishes over the cited references. Dependent claim 87 recites:

Claim 87 recites:

The self-contained business transaction capsule according to claim 84, further including logic, in the form of executable code, **to access functionality with other wireless devices utilizing a peer-to-peer**

topology for transmission of the entire self-contained business transaction capsule.

The Amazon, Ogasawara, and Mankoff references, do not disclose the utilization of a peer-to-peer topology, instead they are directed to a client-server topology.

Specifically, the Examiner states that any amount of users can access the [Amazon, Ogasawara, and Mankoff] web site at the same time and download the capsule and software to their palm devices in a peer-to-peer topology between the web site and the different users. The applicant respectfully disagrees with the Examiner.

First, the accessing of a web site by multiple devices **is multiple client-server interactions and is not peer-to-peer communication**. Each of the Ogasawara, the Amazon, and the Mankoff references disclose the use of a client-server topology between the web site and the plurality of remote devices (PDAs, phones, computers) and do not disclose a peer-to-peer topology. **Furthermore, the software that is downloaded does NOT contain peer-to-peer logic, i.e. executable code, to transmit itself to other wireless devices utilizing a peer-to-peer topology.**

Accordingly, the applicant submits that claim 87 further distinguishes over the Ogasawara, Amazon, and Mankoff references. Accordingly, applicant respectfully submits that claim 87 distinguishes over the Amazon, Ogasawara, and Mankoff references, alone or in combination.

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Applicant believes that the claims are in condition for allowance, and a favorable action is respectfully requested. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call either of the undersigned attorneys at the Los Angeles telephone number (213) 488-7100 to discuss the steps necessary for placing the application in condition for allowance should the Examiner believe that such a telephone conference would advance prosecution of the application.

Respectfully submitted,

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IN THE DRAWINGS

Please amend Fig. 6 as illustrated in the red-lined copy and replacement copy enclosed herewith.



Red-Lined Copies

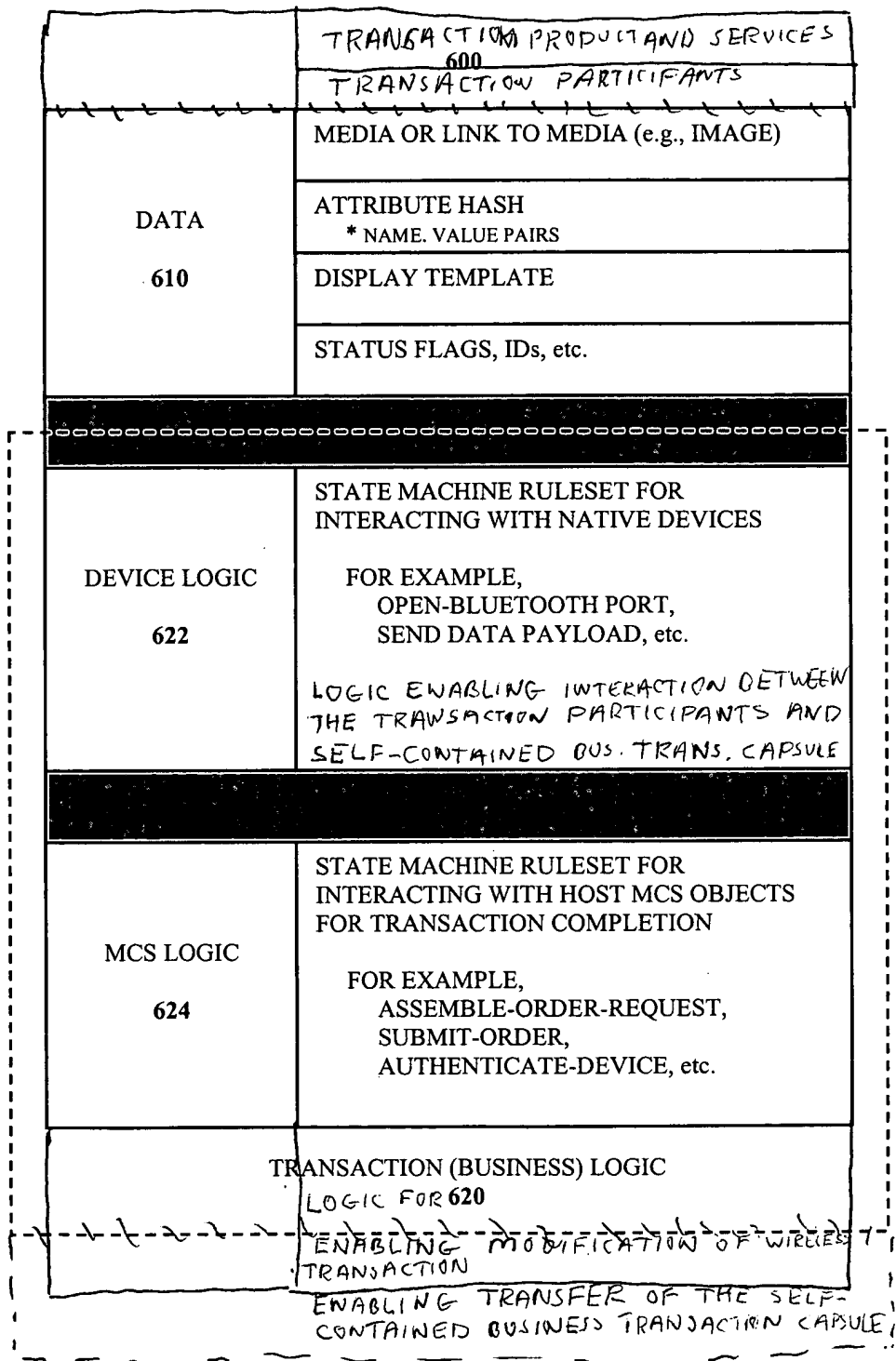


FIG. 6